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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF:

STEVEN HUTT, D.D.S. :

Administrative Action

CONSENT ORDER

TO PRACTICE DENTISTRY IN THE  
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "Board") upon the receipt of an investigative report concerning Steven Hutt, D.D.S. Dr. Hutt personally appeared before the Board on October 17, 1990 with his counsel John Paul Dizzia, Esq. The Board heard the testimony of Dr. Hutt and his therapist Dr. Ostreicher. The Board also had the opportunity to review the psychological evaluation by Dr. Frank Dyer, a Board appointed consultant, and the report from Dr. Frederick Rotgers from the N.J.D.A. Chemical Dependency Program.

The Board having thoroughly reviewed the entire record before it and Dr. Hutt desiring to resolve this matter by consent, a consensual order shall be entered as follows:

IT IS, THEREFORE, ON THIS 5<sup>th</sup> DAY OF April, 1990,  
ORDERED AND AGREED THAT:

1. The license of Steven Hutt, D.D.S. to practice Dentistry in the State of New Jersey shall be suspended for a period of five (5) years on the entry date of the within Order. Said suspension shall be stayed until further order of this Board.

2. Dr. Hutt shall participate in community service 14 hours a week for 20 consecutive weeks. Such community service shall be at the Bergen County jail or at any other location the Board designates.

3. Dr. Hutt shall have his urine monitored under the supervision of the Impaired Dentists Program on a random unannounced basis two (2) times weekly. Nothing herein shall prevent Dr. Hutt from applying for and the Board from entering an Order reducing the frequency of urine monitoring set forth at any time; provided, however, the Board shall not be obligated to enter such an order and may act at its discretion.

The urine monitoring shall be conducted with direct witnessing of the taking of the samples either from a volunteer or a drug clinic staff as arranged and designated by the Impaired Dentists Program. The initial drug screen will utilize the EMIT Technique and all confirming tests and/or secondary test will be performed by gas and chromatography/mass spectrometry (GC/MS). The testing procedure will include a forensic chain of custody protocol to ensure sample integrity and to provide documentation to withstand a legal challenge. The Impaired Dentists Program shall be responsible to ensure that all urine samples are handled by a laboratory competent to provide these services. All test results shall be provided in the first instance directly to the

Impaired Dentists Program and any positive result will be reported immediately by the Impaired Dentist Program to William Gutman, Executive Director of the Board or his designee in the event he is unavailable. The Board will also retain sole discretion to modify the matter of testing in the event technical developments or individual requirement indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing. Any failure by Dr. Hutt to submit or provide a urine sample within 24 hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event Dr. Hutt is unable to appear for a schedule urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Frederick Rotgers or Dr. Barbara McCrady of the Impaired Dentist Program. Neither the volunteer or drug clinic staff shall be authorized to consent to waive a urine test. In addition Dr. Hutt must provide the Impaired Dentist Program with written substantiation of his inability to appear within two days, e.g., a physician's report attesting that Dr. Hutt was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of the respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day. The Impaired Dentist Program shall advise the Board of any instance where a request has been made to waive a urine test, together with the program's determinations in each such case.

The Board may in its sole discretion modify the frequency of testing or method of reporting during the monitoring group.

4. Dr. Hutt shall participate in a drug free therapy program. Dr. Hutt shall provide a copy of Dr. Dyer's psychological evaluation of September 21, 1990 to the therapist. Dr. Hutt shall cause the therapist to provide quarterly reports to the Impaired Dentist Program with respect to his attendance and progress and therapy.

5. The Impaired Dentist Program shall provide quarterly reports to the Board in regard to its monitoring of Dr. Hutt's program as outlined herein including but not limited to the urine testing. The program shall attach to his quarterly reports, any and all appropriate reports and/or documentation concerning any of the monitoring aspects of the within program.

6. Until further order of this Board, Dr. Hutt shall not prescribe or dispense Controlled Dangerous Substances for his personal use or the use of others nor shall he possess such substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause.

7. Immediately upon entry of this Order, Dr. Hutt shall surrender his Controlled Dangerous Substance registrations.

8. Dr. Hutt shall advise any and all treating physicians and/or dentists of his history of substance abuse. He shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication and confirming that the practitioner was advised in advance of the history

of substance abuse. Any positive test findings will automatically trigger active suspension of his license to practice dentistry.


9. Dr. Hutt shall provide appropriate releases to any and all parties for participating in the monitoring program as outlined herein as may be required in order that all reports and records and other pertinent information may be provided to the Board in a timely fashion.

10. A copy of the within Order shall be provided by the Board to any and all parties who are currently participating in the monitoring program as outlined herein or who are assigned in the future to participate in this program or any individual or institution succeeding to their respective monitoring functions.


11. All costs associated with the monitoring program as outlined herein shall be paid directly by Dr. Hutt.

12. It is expressly understood and agreed that continued licensure with restrictions as ordered herein is contingent upon strict compliance with all of the aforementioned conditions. Upon the Board's receipt of any information indicating that any term of the within Order has been violated in any manner whatsoever, including, but not limited to, a verbal report of a confirmed positive urine or any other evidence that Dr. Hutt has used an addictive substance, a hearing shall be held on short notice before the Board or before one member of the Board authorized to act on its behalf. The proofs at such a hearing shall be limited to evidence of the particular violation at issue.

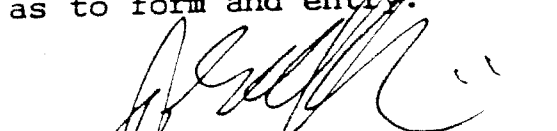
13. Dr. Hutt may apply for modification of the terms and conditions of the within Order no sooner than one (1) year from his entry date into the Impaired Dentists Program.

  
William Cinotti, D.D.S.  
President  
State Board of Dentistry

I have read the within Order,  
I understand the Order and I  
agree to be bound by it.

  
Steven Hutt, D.D.S.

The above Order is agreed to  
as to form and entry.

  
John Paul Dizzia, Esq.  
Attorney for Dr. Hutt